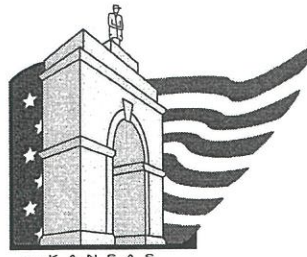


Britain D. Stites
City Attorney

Britain.Stites@jcks.com



Junction City

City of Junction City

P.O. Box 287
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Phone: 785-238-0805
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January 6, 2022

Re: Cease and Desist Distribution of Marijuana – Delta 8

To Whom It May Concern:

The Kansas Attorney General recently drafted and published Attorney General Opinion Number 2021-4. It covers Hemp, Schedule I Substances, Possession/Distribution of Marijuana, and Tetrahydrocannabinol Delta-8.

With the Attorney General's Opinion as guidance, the City sees Delta-8 THC as a Schedule I controlled substance. Therefore, it is unlawful to possess or sell any product containing Delta-8 THC. A non-exhaustive list of illegal hemp products includes cigarettes, cigars, teas, edibles, substances for vaping devices, chew/dip/other smokeless material, "hemp product intended for human or animal consumption containing any ingredient derived from industrial hemp that is prohibited pursuant to the Kansas food, drug, and cosmetic act and the commercial feeding stuffs act", buds or flowers or leaves of hemp plants.¹ THC and CBD food products sold in interstate commerce is per se illegal per federal law.²

In addition, hemp products with more than 0.3% THC, regardless of Delta number, are illegal.³

Hemp products, unless noted above, do not fall on Schedule I as long as THC is no more than 0.3%. Hemp products include all products made from industrial hemp, including but not limited to seed oil for consumption.⁴

If you have an attorney retained, please refer them to this Cease and Desist letter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Britain D. Stites", is written over the typed name.

Britain D. Stites
City Attorney

Cc: City Manager, Chief of Police, Captain of Investigations, Fire Chief/Codes Administrator, Geary County Attorney's Office

¹ K.S.A. 2-3908(a)(1)(A) – (E) and (b)(1)(D).

² 21 U.S.C. § 331(II).

³ K.S.A. 2-3901(b)(4).

⁴ K.S.A. 2-3901(b)(4).

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2-3908. Unlawful hemp products; penalties; exceptions. (a) (1) It shall be unlawful for any of the following hemp products to be manufactured, marketed, sold or distributed by any person in the state of Kansas:

- (A) Cigarettes containing industrial hemp;
- (B) cigars containing industrial hemp;
- (C) chew, dip or other smokeless material containing industrial hemp;
- (D) teas containing industrial hemp;
- (E) liquids, solids or gases containing industrial hemp for use in vaporizing devices; and

(F) any other hemp product intended for human or animal consumption containing any ingredient derived from industrial hemp that is prohibited pursuant to the Kansas food, drug and cosmetic act, K.S.A. [65-636](#) et seq., and amendments thereto, and the commercial feeding stuffs act, K.S.A. [2-1001](#) et seq., and amendments thereto. This subparagraph shall not otherwise prohibit the use of any such ingredient, including cannabidiol oil, in such hemp products.

(2) As used in this subsection:

(A) "Human or animal consumption" means:

- (i) Ingested orally; or
- (ii) applied by any means such that an ingredient derived from industrial hemp enters the human or animal body.

(B) "Intended for human or animal consumption" means:

- (i) Designed by the manufacturer for human or animal consumption;
- (ii) marketed for human or animal consumption; or
- (iii) distributed with the intent that it be used for human or animal consumption.

(b) (1) It shall be unlawful for any of the following hemp products to be marketed, sold or distributed to any person in Kansas who is not registered as a hemp processor pursuant to K.S.A. 2021 Supp. [2-3907](#), and amendments thereto, or who does not possess a license by the Kansas department of agriculture under any commercial plan established pursuant to K.S.A. 2021 Supp. [2-3906](#), and amendments thereto, or the research program established pursuant to K.S.A. 2021 Supp. [2-3902](#), and amendments thereto:

- (A) Industrial hemp buds;
- (B) ground industrial hemp floral material;
- (C) ground industrial hemp leaf material; or
- (D) any extract from industrial hemp with a delta-9 tetrahydrocannabinol concentration greater than 0.3% that will be further processed.

(2) No license or registration shall be required for the transport of hemp products described in paragraph (1) if such products are transported between hemp producers and hemp processors or between more than one hemp processor. Any such transportation of hemp products shall be subject to rules and regulations promulgated by the state fire marshal pursuant to this act.

(c) (1) Upon a first conviction for a violation of this section, a person shall be guilty of a class A nonperson misdemeanor.

(2) On a second or subsequent conviction for a violation of this section, a person shall be guilty of a severity level 9, nonperson felony.

(d) Nothing in this section shall prohibit:

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